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Legislative
Assembly
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Assemblée
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de l'Ontario

2ND SESSION, 41ST LEGISLATURE, ONTARIO
66 ELIZABETH II, 2017

Bill 164

An Act to amend the Human Rights Code with respect to immigration status, genetic characteristics, police records and social conditions

Mme N. Des Rosiers

Private Member's Bill

1st Reading October 4, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Human Rights Code* to include immigration status, genetic characteristics, police records and social condition as prohibited grounds of discrimination. The Act currently includes race, place of origin, gender identity, family status and disability, among other things, as prohibited grounds of discrimination.

Amendments to various provisions of the Act are made including amendments to provide that every person has a right to equal treatment, without discrimination because of immigration status, genetic characteristics, police records and social condition, with respect to services, goods and facilities, the occupancy of accommodation, the right to contract, employment and membership in various types of organizations. The right to equal treatment without discrimination because of genetic characteristics includes the right to equal treatment without discrimination because a person refuses to undergo a genetic test or refuses to disclose the results of a genetic test.



**An Act to amend the Human Rights Code with respect to immigration status,
genetic characteristics, police records and social conditions**

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 Section 1 of the *Human Rights Code* is amended by adding “immigration status” after the word “citizenship”, and by adding “genetic characteristics, police records, social condition” after the word “age”.

2 (1) Subsection 2 (1) of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

(2) Subsection 2 (2) of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

3 Section 3 of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

4 Section 5 of the Act is repealed and the following substituted:

Employment

5 (1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, immigration status, creed, sex, sexual orientation, gender identity, gender expression, age, genetic characteristics, police records, social condition, marital status, family status or disability.

Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, immigration status, creed, sexual orientation, gender identity, gender expression, age, genetic characteristics, police records, social condition, marital status, family status or disability.

5 Section 6 of the Act is amended by adding “immigration status” after the word “citizenship” and by adding “genetic characteristics, police records, social condition” after the word “age”.

6 (1) Subsection 10 (1) of the Act is amended by adding the following definitions:

“immigration status” means the status according to Canadian immigration law; (“statut d’immigrant”)

“police records” includes charges and convictions, with or without a record suspension, and any police records, including records of a person’s contact with police; (“dossiers de police”)

“social condition” means social or economic disadvantage resulting from,

- (a) employment status,
- (b) source or level of income,
- (c) housing status, including homelessness,
- (d) level of education, or
- (e) any other circumstance similar to those mentioned in clauses (a), (b), (c) and (d); (“situation sociale”)

(2) The definition of “record of offences” in subsection 10 (1) of the Act is repealed.

(3) Section 10 of the Act is amended by adding the following subsection:

Refusal to undergo or disclose results of genetic test

(4) The right to equal treatment without discrimination because of genetic characteristics includes the right to equal treatment without discrimination because a person refuses to undergo a genetic test or refuses to disclose, or authorize the disclosure of, the results of a genetic test.

7 (1) Subsection 16 (1) of the Act is amended by striking out “because of citizenship” and substituting “because of citizenship or immigration status”.

(2) Subsection 16 (2) of the Act is amended by striking out “because of citizenship” and substituting “because of citizenship or immigration status”.

8 Subsection 17 (1) of the Act is amended by adding “or police records” after the word “disability” at the end.

9 Section 22 of the Act is amended by adding “police records” after the word “family status” wherever it appears.

10 (1) Clause 24 (1) (a) of the Act is amended by adding “immigration status” after the word “ethnic origin” and by adding “genetic characteristics, police records, social condition” after the word “age”.

(2) Clause 24 (1) (b) of the Act is amended by striking out “record of offences” wherever it appears and substituting in each case “police records”.

Commencement

11 This Act comes into force on the day it receives Royal Assent.

Short title

12 The short title of this Act is the *Human Rights Code Amendment Act, 2017*.

Réfus de subir ou de divulguer les résultats d'un test génétique

(4) Le droit à un traitement égal sans discrimination fondé sur les caractéristiques génétiques inclut le droit à un traitement égal sans discrimination fondé sur le fait qu'une personne refuse de subir un test génétique ou refuse de divulguer les résultats d'un tel test ou d'autoriser la divulgarion de ces résultats.

7 (1) Le paragraphe 16 (1) du Code est modifié par remplacement de «fondé sur la citoyenneté» par «fondé sur la citoyenneté ou le statut d'immigrant».

(2) Le paragraphe 16 (2) du Code est modifié par remplacement de «fondé sur la citoyenneté» par «fondé sur la citoyenneté ou le statut d'immigrant».

8 Le paragraphe 17 (1) du Code est modifié par insertion de «ou de l'existence de dossier de police» après «handicap».

9 L'article 22 du Code est modifié par insertion de «, l'existence de dossier de police» après «l'état familial» partout où figure cette expression.

10 (1) L'alinea 24 (1) a) du Code est modifié par insertion de «le statut d'immigrant», après «l'origine ethnique» et par insertion de «les caractéristiques génétiques, l'existence de dossier de police, la situation sociale», après «l'âge».

(2) L'alinea 24 (1) b) du Code est modifié par remplacement de «d'un casier judiciaire» par «de dossier de police» et par remplacement de «si l'âge, le sexe, le casier judiciaire ou l'état matrimonial du candidat constitue», après «l'âge, le sexe, les dossiers de police ou l'état matrimonial du candidat constitue».

11 La présente loi entre en vigueur le jour où elle regoit la sanction royale.

12 Le titre abrégé de la présente loi est Loi de 2017 modifiant le Code des droits de la personne.

Titre abrégé

Entrée en vigueur

12 Le titre abrégé de la présente loi est Loi de 2017 modifiant le Code des droits de la personne.

Loi modifiant le Code des droits de la personne en ce qui concerne le statut d'immigrant, les caractéristiques génétiques, l'existence de dossiers de police et la situation sociale

Le projet de loi modifie le Code des droits de la personne pour assurer le statut d'immigrant, les caractéristiques génétiques, l'existence de dossier de police et la situation sociale à la liste des motifs illégitimes de discrimination. A l'heure actuelle, le Code inclut, entre autres, la race, le lieu d'origine, l'identité sexuelle, l'état familial et un handicap parmi les motifs illégitimes de discrimination.

Des modifications sont apportées à diverses dispositions du Code, notamment des modifications qui prévoient que toute personne a droit à un traitement égal, sans discrimination fondée sur le statut d'immigrant, les caractéristiques génétiques, l'existence de dossier de police et la situation sociale, en matière de services, de biens ou d'installations, d'occupation d'un logement, du droit de concurrence des contrats, d'emploi et d'adhésion à divers types d'organisations. Le droit à un traitement égal sans discrimination fondée sur les caractéristiques génétiques comprend le droit à un traitement égal sans discrimination fondée sur le fait qu'une personne refuse de subir un test génétique ou refuse de divulguer les résultats d'un tel test.

NOTE EXPLICATIVE



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Sanction royale

3^e Lecture

2^e Lecture

1^{re} Lecture 4 octobre 2017

Projet de loi de député

Mme N. Des Rosiers

L'existance de dossiers de police et la situation sociale
en ce qui concerne le statut d'immigrant, les caractéristiques génétiques,
Loi modifiant le Code des droits de la personne

Projet de loi 164

66 ELIZABETH II, 2017
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